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**SUBSTITUTE SENATE BILL 5730**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Thibaudeau, Parlette, Rossi, Keiser and Winsley)

READ FIRST TIME 03/05/03.

1       AN ACT Relating to eligibility for long-term care services under  
2 the medical assistance program; adding new sections to chapter 74.39A  
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION. **Sec. 1.** (1) The legislature finds that access to  
6 care for people who need long-term care services is in jeopardy because  
7 of the difficulty in providing public funds to finance the medical  
8 assistance program. It also finds that eligibility policy for the  
9 medical assistance program, for people needing long-term care services,  
10 has evolved in such a way that it provides eligibility to some people  
11 who have the ability to pay for the care they need from their own  
12 resources.

13       (2) It is the intent of the legislature that eligibility for  
14 medical assistance, for the provision of long-term care services, be  
15 limited to people who do not have the ability to pay for the care they  
16 need. It is also the intent of the legislature to establish a process  
17 for offering information and referral to private sector financing  
18 mechanisms that will allow people to draw upon their fixed assets to  
19 finance their long-term care service needs. It is the further intent

1 of the legislature that by taking these measures, eligibility for the  
2 medical assistance program will be reserved for the people in greatest  
3 financial need, and that we will be better able to afford to provide  
4 good quality care to those who are eligible.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A RCW  
6 to read as follows:

7 (1) The department is directed to periodically review, and adjust  
8 as necessary, its eligibility requirements to counteract the effects of  
9 anyone attempting to obtain eligibility by concealing or divesting  
10 assets or income.

11 (2) The department is directed to seek waivers from the federal  
12 government from requirements that the state totally exempt from  
13 eligibility determination the value of an applicant's home or other  
14 real estate.

15 (3) The department is directed to report to the legislature  
16 regarding federal actions on the requested waivers, and to identify any  
17 changes in federal statutes required to carry out the intent of this  
18 act.

19 (4) The department is directed to work with long-term care industry  
20 representatives, consumers, and other interested parties to strengthen  
21 medicaid eligibility requirements for long-term care in this state.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW  
23 to read as follows:

24 The department is directed to establish an information and referral  
25 process, for people seeking medical assistance for long-term care  
26 services who appear to have sufficient assets in the form of a home, to  
27 financial institutions that can arrange a home equity conversion  
28 mortgage designed by the United States department of housing and urban  
29 development and insured by the federal housing administration. The  
30 decision to act on the referral is entirely voluntary on the part of  
31 the applicant.

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